

produced, and purported to be a foreign product, when, in fact and in truth, it was not. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On December 17, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

7555. Misbranding of Musser's Capsules. U. S. * * * v. 32 Packages of * * * Musser's Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11499. I. S. No. 17319-r. S. No. E-1833.)

On October 30, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 32 packages of Musser's Capsules, consigned on or about September 19, 1919, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Musser-Reese Chemical Co., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " * * * Dr. Musser's Capsules * * * All Inflammations of Kidneys and Bladder Quickly Relieved. * * * if directions are followed, will effect a permanent relief in every case;" (circular) " * * * Be persistent with treatment for at least two weeks following improvement. It is advisable to continue taking Dr. Musser's treatment for that length of time to insure permanent relief. * * * While we know that Dr. Musser's Capsules are possibly the best known remedy and are as prompt in their effect as possible for safety, yet we do not claim that one or two boxes are always sufficient. A great mistake often made is to stop the treatment too soon. This leaves the organs tender and possibly some condition which further treatment would remove and prevent return which is more severe and stubborn to cure than the original condition. It is often quite necessary to continue the treatment for two weeks after all trouble seems to be removed. We cannot impress too strongly the good effect of combining the use of Dr. Musser's Injection 500 with the capsules. This is thoroughly an antiseptic and healing agent which expedites the cure and creates an antiseptic condition much desired. Do not use without capsules. If only one is used be sure to use capsules but the combined treatment is time, money and inconvenience saved * * *."

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of copaiba balsam and oil of santal, with indications of oils of cubebs and mace.

Misbranding of the article was alleged for the reason that the foregoing statements, appearing on the carton and in the circular, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed for it.

On December 8, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*